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08 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) Case No.: CR00-00126-RSL
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11 Plaintiff,)
12 v.) SUMMARY REPORT OF U.S.
13 ROBERT MICHAEL FOX,) MAGISTRATE JUDGE AS TO
14 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

15 An initial hearing on supervised release revocation in this case was scheduled before the
16 undersigned Magistrate Judge on June 22, 2005. The United States was represented by Assistant
17 United States Attorney Robert H. Westinghouse, and the defendant by Ms. Carol Koller. The
18 proceedings were recorded on cassette tape.

19 Defendant had been sentenced on or about July 7, 2000, by the Hon. Robert S. Lasnik
20 on a charge of bank fraud, and sentenced to 12 months and 1 day of imprisonment, followed by
21 5 years of supervised released. The sentence imposed on July 7, 2000, was revoked on
22 October 15, 2003, and defendant was sentenced to 2 months of imprisonment, followed by 36
23 months of supervised release. On May 10, 2004, defendant's sentence of October 15, 2003, was
24 revoked, and defendant was sentenced to 5 months' imprisonment, followed by 25 months of
25 supervised release.
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01 The conditions of supervised release included requirements that defendant comply with
02 all local, state, and federal laws, and with the standard conditions of supervision. Other special
03 conditions included participating in a substance-abuse-treatment program as directed by his
04 probation officer; submitting to search of person and property; providing access to any requested
05 financial information; prohibiting any new credit charges, or opening additional lines of credit
06 without approval of his probation officer, employment restrictions, restitution, and participating
07 in a community corrections center program for a term of up to 90 days as directed by the United
08 States Probation Office.

09 In an application dated May 11, 2005, U.S. Probation Officer Joe G. Mendez alleged the
10 following violations of defendant's conditions of supervised release:

11 1. Using methamphetamine on or before February 15, 2005, in violation of standard
12 condition No. 7;

13 2. Failing to submit to drug testing on March 16, 29, and 31, 2005, and April 7, 13,
14 and 19, 2005, in violation of special condition No. 1;

15 3. Failing to submit monthly reports within the first five days of every month for the
16 months of March and April 2005, in violation of standard condition No. 2;

17 4. Failing to make minimum monthly restitution payments not less than 5% of his
18 gross monthly earnings in violation of special condition No. 3; and

19 5. Failing to participate in drug treatment as directed by the probation officer on or
20 about March 24, 2005, in violation of special condition No. 1.


21 Defendant was advised in full as to those charges and as to his constitutional rights.

22 Defendant admitted each of the alleged violations and waived any evidentiary hearing as
23 to whether they occurred.

24 I therefore recommend the Court find defendant violated his supervised release as alleged
25 and that the Court conduct a hearing limited to the issue of disposition. The disposition hearing
26 is set before the Hon. Robert S. Lasnik, Chief Judge, on July 27, 2005, at 8:30 a.m.

01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 28th day of June, 2005.

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06 JAMES P. DONOHUE
07 United States Magistrate Judge

08 cc: District Judge: The Hon. Robert S. Lasnik, Chief Judge
09 AUSA: Mr. Robert H. Westinghouse
10 Defendant's attorney: Ms. Carol A. Koller
11 Probation officer: Mr. Joe Mendez
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